

TRAINEE ABUSE CASE STUDY

The vignette you are about to read is real and is conveyed by a training battalion commander. Only the names and unit references have been changed due to privacy act requirements.

FACTS: PV2 Mary Reed, who was an AIT student in a particularly lengthy (19 weeks) course, approached her drill sergeant one evening during drill sergeant time and indicated that she had been sexually harassed by an instructor. Within minutes, the drill sergeant reported the claim to the unit commander who brought the soldier, her battle buddy, and the drill sergeant to his office. The soldier stated to the commander that the instructor, SFC Ervin, had been harassing her since the first day of class. SFC Ervin was 39 years old, married, and a father of two.

According to the soldier, the harassment started with innuendos, which she tried to ignore, and these innuendos culminated that day with SFC Ervin telling PV2 Reed that he wanted to “f____” (expletive) over the weekend. PV2 Reed indicated that SFC Ervin had a reputation with female trainees and that most tried to avoid him, usually enlisting the help of male classmates to do so. SFC Ervin had even previously stated to PV2 Reed that he “wanted to see what was under that uniform.” She also indicated that SFC Ervin had given her a note with his personal e-mail address to give to another female trainee within the unit.

After this interview, the unit commander reported the situation to the battalion commander, who directed that the company commander conduct a commander’s inquiry and that the instructor’s company commander immediately suspend SFC Ervin from instructor duties. PV2 Reed’s unit commander was directed to not only interview soldiers within his unit that might have knowledge of SFC Ervin’s behavior, but also to interview other NCOs from SFC Ervin’s instructor company within the battalion. The commander’s inquiry indicated an investigation under the provisions of AR 15-6 was appropriate.

The 15-6 concluded that not only had SFC Ervin done exactly as PV2 Reed reported, but that he had similarly approached female soldiers in previous classes going back at least three cycles. While there was never a claim or proof that any sexual contact was made between SFC Ervin and any female trainees, the same pattern of approaching trainees was evident with each of the four soldiers. SFC Ervin could be said to have been “trolling” for a young trainee to take him up on his offer.

DISCIPLINARY ACTION: SFC Ervin was relieved for cause from his instructor duties and received a relief-for-cause NCOER. He was given a field grade Article 15 for:

1. Violations of Article 93 – Cruelty and Maltreatment - when he asked PV2 Reed repeatedly, “Do you want to f____”(expletive).
2. Violations of Article 92 – Violation of other lawful orders/regulations/derelection of duty - when he sexually harassed PV2 Reed and the other trainees, when he used profanity with the trainees, and when he broke the battle buddy rule. He was also charged with attempted fraternization (Article 80, attempted violation of Article 92) Finally, SFC Ervin was directed to retire in lieu of Courts Martial.

LESSONS LEARNED:

What factors came together to permit the abuse to occur.

The investigation revealed that on several occasions within the training division, SFC Ervin had “pulled PV2 Reed out of class” during the day to speak with her, supposedly about a training issue. In fact, on two occasions a fellow instructor actually pulled PV2 Reed out of class for SFC Ervin. Each time she spoke with him, it was without her battle buddy present. The fellow NCO also received a letter of reprimand.

The other female soldiers who later admitted harassment did not report it; because they feared an investigation and other follow-on actions might delay their graduation. They just wanted to ignore SFC Ervin and make it through until graduation. Another interesting note is that the other female soldiers were very young and appeared very young. They were all 18 or 19. PV2 Reed also appeared to be young but in reality was actually 25. Her level of maturity was clearly a factor in her courage to come forward and report SFC Ervin’s misconduct.

What preventative measures could have been taken to prevent the abuse.

Although the NCOs concerned had received mandatory EO/POSH training and SCTC TR 350-6 orientation training, they chose to ignore it. This training is essential and must be continually reinforced through the quarterly Consideration of Others training process.

The battle buddy rule must be ruthlessly enforced not only in the company area, but in the academic training departments as well. In every case of interface between SFC Ervin and a soldier where sexual harassment had occurred, the battle buddy rule had been broken. Both fellow trainees and fellow instructors must be encouraged in training to not only abide by the battle buddy rule themselves, but also to report others when they observe this key policy being violated.